



CITY OF MIAMI SPRINGS, FLORIDA

CITY CLERK'S SUMMARY OF COUNCIL ACTIONS

Regular Meeting of Monday, February 28, 2005 - 7:00 p.m. – Council Chambers

AGENDA

<u>ITEM #</u>	<u>SUBJECT</u>	<u>ACTION TAKEN</u>
<u>1)</u>	<u>CALL TO ORDER/ROLL CALL</u>	All present.
<u>2)</u>	<u>INVOCATION</u>	Offered by Vice Mayor Youngs.
	<u>SALUTE TO THE FLAG</u>	Students from All Angels Academy led the audience in the Pledge of Allegiance. Mayor Bain presented certificates and baseball caps to the students who participated in the "I Led the Pledge" program.
<u>3)</u>	<u>AWARDS & PRESENTATIONS</u>	
3A)	Certificates of Recognition	Mayor Bain presented Certificates of Recognition to the Miami Springs Senior High Women's Soccer Team who is the District Champions for 2005. Coach Drew expressed his appreciation and presented T-shirts to the City Council.
3B)	Presentation on Crime Prevention by the State Attorney's Office	Luis Martínez of the State Attorney's Office gave a presentation on crime prevention, explaining the programs that are available through the State Attorney's Office and distributed some brochures.

- | | | |
|-----|----------------------------|---|
| 3C) | Financial Reporting Award | Finance Director William Alonso, on behalf of the City, received an award for Financial Reporting Achievement for the Fiscal Year 2004 Comprehensive Annual Financial Report (C.A.F.R.) and the Distinguished Budget Award for Fiscal Year 2005 Budget from John Pryor, the representative from the Government Finance Officers Association (GFOA). |
| 3D) | Certificate of Recognition | Sandy Pell was not present. To be scheduled for the next meeting. |
| 3E) | Children's Golf Foundation | <p>City Manager Borgmann informed Council that the Children's Golf Foundation requested to be scheduled on the agenda and that he received a one-page proposal that has been placed on the dais for Council.</p> <p>Tamara Thomas from the Children's Golf Foundation thanked Council for the opportunity to speak, summarized the Children's Golf Foundation's previous presentations to the City Council, ending with their request in August of 2004 for approval of an agreement. She said that at that time, Council asked them to provide the City Attorney with parameters in order for an agreement to be drafted. The items were supplied, and Council has received another copy this evening.</p> <p>Council discussed this issue at length. Council members felt they were not ready to make a decision.</p> <p>City Attorney Seiden said that this was only a presentation, and that the matter must be scheduled as an official agenda item to allow for citizen input.</p> <p>Mayor Bain asked the City Manager to schedule the matter as an agenda item for the next meeting and to make a recommendation for the proposed location of the 3-hole Golf Course.</p> |

3F) Status Report on Annexation

Vice Mayor Youngs reported that the February 24, 2005 meeting was canceled.

The City Manager said that he received a call from the County canceling the meeting, but that he does not know the reason for the cancellation.

Vice Mayor Youngs distributed information regarding the property tax levies and tax rates, excerpts from the 2003/2004 Comprehensive Annual Financial Report and Standard and Poor's bond rating.

Vice Mayor Youngs stated that Owen Gay has launched a campaign to convince County Commissioner Rebeca Sosa that Miami Springs does not have contiguity with the annexation area. However, the Assistant County Attorney responded to Mr. Gay on January 28th informing him that questions about contiguity are a matter of the City under the Charter, not the County, and that he should contact the City Attorney. Vice Mayor Youngs assured everyone that Mr. Gay's campaign is based on something that it is not true.

Vice Mayor Youngs indicated that he has not been informed of the date for the next annexation meeting.

4) OPEN FORUM:

Prayer Service

Michael Gavila of 684 Morningside Drive stated that on March 29th, the Poinciana United Methodist Church is holding a prayer service for all candidates in the April 5, 2005 Municipal Election, and to call the Church at 305-888-0641 for more information.

4)

Annexation

Betty Du Bois of 1050 Hunting Lodge Drive said that she received the annexation brochure, but still had questions.

Vice Mayor Youngs explained that there are three proposals outstanding and the next effect of compromise one and compromise two projects that the City would receive \$7MM of tax revenue, and it would cost approximately \$4MM to provide municipal services to the area, leaving a surplus of \$3MM. He added that the County expects the cities to reimburse them for revenue losses in the form of mitigation.

Vice Mayor Youngs confirmed that the electors in Miami Springs would have the opportunity to vote on annexation in a survey that will be conducted by the County Annexation and Incorporation Department.

Children's Golf Foundation

Don Riedinger of 991 Hunting Lodge Drive stated that the discussion on this item was very interesting and took 45 minutes under the Awards and Presentations portion of the agenda. He would like to be informed as to how the agenda is prepared and the way the citizens can be informed of what is going to be discussed at a meeting.

Central Business District (CBD)

Don Riedinger said he was surprised to hear that all the commitments that were made regarding parking variances are "out of the window", and the City is no longer moving forward. He said he owns property on Canal Street next to the property that received a parking variance, and that if he ever does anything with his property, he is going to have to provide the required amount of parking with no chance for a variance, which he thinks is very unfair.

City Attorney Seiden clarified that currently there is an ordinance in effect that says that unless a property is reconstructed or redesigned, a variance is not required.

4) Central Business District (Cont.) Mr. Riedinger was of the opinion that what the City is proposing for the Central Business District (CBD) is totally unreasonable.

Council informed Mr. Riedinger that the City is going to notify all property owners the next time the Central Business District (CBD) is discussed.

Miami Springs Country Club
Food and Beverage, Inc.

Don Riedinger said that during the February 22nd Special Meeting, Council authorized a 5-year agreement with Miami Springs Country Club Food and Beverage, Inc., but that he had never seen that name on the list of the Request for Proposals (RFP). He felt this is wrong.

Vice Mayor Youngs clarified that the Request for Proposals (RFP) does not require the specific name of the corporate entity by which the principal does business.

Election Issues

Former Mayor J. C. "Chet" Fields of 372 Minola Drive said that the City Manager and City Council serve the community, and that the City Manager has served Miami Springs extremely well by hiring employees that have been able to correct major problems. He felt that were it not for Mayor Bain, who has provided tremendous leadership, Mr. Borgmann would not have been appointed City Manager.

Mayor Fields added that there is much misinformation being circulated in the City about many issues, that it is important to gather correct information. He urged whoever is elected to office to go in with an open mind.

- | | | |
|----|---------------------------------|---|
| 4) | Election Issues (continued) | <p>Mayor Fields thanked the Council for serving the last two years. He said that there are many fine candidates and that his hope is that they will conduct a clean campaign and dispel the rumors that are circulating.</p> <p>Councilman Caudle pointed out that there are five members of the City Council, and all of them have been responsible for the positive changes that have occurred during the past year.</p> |
| | Airport/Highway/Marine District | <p>Bob Schwinger of 630 Cardinal Street urged Council to address the zoning regulations for the Airport/Highway/Marine District in order to take advantage of proposed development that could increase the City's tax base. Mr. Schwinger referred to the sign on Curtiss Parkway and inquired about the Poinciana Golf Course Villas.</p> <p>City Manager Borgmann stated that several meetings were held with the developer, but that no official plans have been submitted because the area in the Land Use Plan will not allow a mixed-use.</p> |
| | Children's Golf Foundation | <p>Mr. Schwinger expressed his support for the Children's Golf Foundation proposal for investing \$300,000.00 in a three-hole course at the Miami Springs Golf and Country Club.</p> |

5) APPROVAL OF COUNCIL MINUTES

- | | | |
|-----|----------------------------|--|
| 5A) | 02/14/2005 Regular Meeting | <p>Minutes of the February 14, 2005 Regular Meeting were approved as written.</p> <p>Motion: Councilman Pacheco</p> <p>Second: Councilman Caudle</p> <p>Vice Mayor Youngs: "aye"</p> <p>Councilman Caudle: "aye"</p> <p>Councilman Elza: "abstained"</p> <p>Councilman Pacheco: "aye"</p> <p>Mayor Bain: "aye"</p> <p>Vote: 4-0</p> |
|-----|----------------------------|--|

6)

REPORTS FROM BOARDS & COMMISSIONS

- | | | |
|-----|-----------------------------|--|
| 6A) | Recreation Commission | Minutes of the February 8, 2005 Recreation Commission meeting were received for information without comment. |
| 6B) | Historic Preservation Board | Cancellation Notice of the February 17, 2005 Historic Preservation Board meeting was received for information without comment. |
| 6C) | Board of Appeals | Cancellation Notice of the February 23, 2005 Board of Appeals meeting was received for information without comment. |
| 6D) | Code Review Board | Cancellation Notice of the February 24, 2005 Code Review Board meeting was received for information without comment. |
| 6E) | Zoning and Planning Board | Cancellation Notice of the March 7, 2005 Zoning and Planning Board meeting was received for information without comment. |

7)

PUBLIC HEARINGS:

- | | | |
|-----|---|--|
| 7A) | Second Reading – Ordinance: Exempting City Elections from F.S.S.101.657 Concerning Early Voting | On second reading, Council adopted an ordinance creating and enacting Section 11-04, Early Voting, by exempting all City elections from the provisions of paragraph (1) (b) of Florida Statutes Section 101.657 concerning early voting; authorizing a shortened duration for early voting for City elections; allowing for the amendment of early voting procedures by City resolution; and authorizing the City Clerk to implement early voting. (Ordinance No. 921-2005)
Motion: Councilman Pacheco
Second: Councilman Caudle
Vote: 5-0 |
|-----|---|--|

8) **CONSENT AGENDA:**

- 8A) Internet Access of “IACP Net” Council **approved** an expenditure of \$2,400.00 for internet access of “IACP Net” for a period of three years, as provided for in Section 31.11 (E) (6) (c) of the City Code, to be paid out of the Law Enforcement Trust Funds.
Motion: Councilman Pacheco
Second: Vice Mayor Youngs
Vote: 5-0

9) **OLD BUSINESS:**

- 9A) Appointment to the Architectural Review Board Vice Mayor Youngs (Group IV) **deferred** his appointment to the Architectural Review Board.
- 9B) Appointment to the Code Enforcement Board Mayor Bain **deferred** his appointment to the Code Enforcement Board.
- 9C) Appointment to the Disability Advisory Board Councilman Caudle (Group II) **deferred** his appointment to the Disability Advisory Board.
- 9D) Appointment to the Code Enforcement Board Councilman Elza (Group I) **re-appointed** Leah Orr to the Code Enforcement Board for an unexpired term ending on September 30, 2006.
- 9E) Appointment to the Golf and Country Club Advisory Board Councilman Elza (Group I) **deferred** his appointment to the Golf and Country Club Advisory Board.
- 9F) Appointment to the Historic Preservation Board Councilman Pacheco (Group III) **deferred** his appointment to the Historic Preservation Board.

- 9G) Appointment to the Historic Preservation Board Councilman Caudle (Group II) **deferred** his appointment to the Historic Preservation Board.
- 9H) City Hall Security Fees Council **approved** payments of \$2,380.00 and \$2,580.00 to Perez-Vichot & Associates, to be paid out of the Law Enforcement Trust Funds, for the design of City Hall security.
Motion: Councilman Elza
Second: Councilman Pacheco
Vote: 5-0
- 9I) Substandard Lots on Deer Run Council **received** information regarding two substandard lots on Deer Run abutting the Golf Course. Council **directed** the Administration to negotiate a purchase price up to \$10,000.00.
Motion: Councilman Pacheco
Second: Councilman Elza
Vote: 5-0
- 10. NEW BUSINESS:**
- 10A) Extension of Contract with Martin Outdoor Media Council **approved** an extension of a contract with Martin Outdoor Media for seventeen bus benches located in commercial areas of the City.
Motion: Councilman Elza
Second: Councilman Pacheco
Vice Mayor Youngs: “absent at roll call”
Councilman Caudle: “aye”
Councilman Elza: “aye”
Councilman Pacheco: “aye”
Mayor Bain: “aye”
Vote: 4-0

- 10B) First Reading – Ordinance:
Amending §96-07 of the Code
- On first reading, Council **approved** an ordinance amending §96-07, Maintenance of City Parkway and Swale Areas, by providing a height limitation of 18 inches for all ground cover plantings and landscaping in swale areas of the City.
- Motion:** Councilman Elza
Second: Councilman Pacheco
Vice Mayor Youngs: “aye”
Councilman Caudle: “absent at roll call”
Councilman Elza: “aye”
Councilman Pacheco: “aye”
Mayor Bain: “aye”
Vote: 4-0
- 10C) Resolution – Urban and Community Forestry Grant Memorandum of Agreement with the State of Florida
- Council **adopted** a resolution authorizing the Administration to sign an Urban and Community Forestry Grant Memorandum of Agreement with the State of Florida, Department of Agriculture and Consumer Services, Division of Forestry. (**Resolution No. 2005-3273**)
- Motion:** Councilman Elza
Second: Councilman Pacheco
Vote: 5-0
- 10D) Report Regarding Performance in the Building Department
- Council **received** a report from Assistant City Manager Ronald K. Gorland regarding performance in the Building Department and measures taken to improve customer service and eliminate complaints.
- Council complimented Mr. Gorland on a good report and a good start towards solving problems in the Building Department.
- Council encouraged City Manager Borgmann to continue looking for a full time Building Official.
- 11) OTHER BUSINESS:**
- None

12) **REPORTS & RECOMMENDATIONS:**

12A) **City Attorney**

Anonymous Documents

City Attorney Seiden stated that he was provided with some documents that were distributed around town, which name him as a registered agent of some corporations. He does not know why the documents were sent or what the intent of the person who sent it was, but it is hard to respond to someone that does not have the intestinal fortitude to call him for answers.

Attorney Seiden said that the documents are public records that are available on www.sunbiz.org. The document refers to him as the registered agent for two corporations in Miami Springs, Caribbean Atlantic Supply, Inc. and Red Sail Realty Group, Inc. and Eric Elza and his wife hired him and paid for his services. His objection is that this implies that there is something wrong going on, when really there is no inappropriate conduct. He added that this has the potential of affecting his professional reputation and community standing and that it is potentially defamatory. If he finds out who is responsible, he would take whatever action is necessary to stop it.

12B) **City Manager**

Election Sign Regulations

City Manager Borgmann said that he distributed a memorandum to all candidates. He encouraged them to abide by the City code regulations and reminded them that they are responsible for the placement of their political signs.

12B)	Golf and Country Club Addition: Pre-bid Construction Meeting	<p>City Manager Borgmann stated that four potential bidders attended the pre-bid construction meeting for the Golf and Country Club addition, and one bidder already dropped out.</p> <p>The City Manager informed Council that the bid opening is scheduled for March 8th and a recommendation should be presented to Council at the March 14, 2005 Regular Meeting.</p>
	Engine 35 Re-dedication	<p>City Manager Borgmann invited Council to attend the re-dedication of Engine 35 in honor of Karl Carman outside the Fire Department on the first floor of City Hall from noon until 2:00 p.m. on Monday, March 7, 2005. He said that County officials will be present and it would be appropriate for everyone to attend.</p>
	Sewer Sleeving Material	<p>City Manager Borgmann displayed a sample of the material that is used to line the sewer lines, which is a hard product that is pulled through the line and shaped to the inside of the clay pipe with heat and pressure. He said that the lining must be installed from manhole to manhole with very specialized equipment.</p>
	Division Two Swimming Championships	<p>City Manager Borgmann informed Council that the Miami Springs Municipal Pool will host the preliminary Division Two Championships for the 13 and over age group on Saturday and Sunday, March 5th and 6th. The finals to qualify for the Junior Olympics will be held at Tamiami Park. The swimmers normally begin warming up at 8:30 in the morning and 9:00 a.m. would be an appropriate time to go to the pool.</p>

12C)

City Council

Food and Beverage Contract

Vice Mayor Youngs inquired if the Food and Beverage contract was signed and the City Manager confirmed that it was and that it will be effective on March 1, 2005.

City Council Agenda Items

Vice Mayor Youngs asked the City Manager to include more description on the Council agendas for the various items to be discussed.

Dade Days

Vice Mayor Youngs asked for confirmation of the reservations for the elected officials to attend Dade Days.

The City Clerk confirmed that five reservations were made.

Golf Course Incident

Councilman Pacheco mentioned that an incident took place at the Golf Course.

The City Manager informed Council that the incident should not be discussed at this time because it is currently under police investigation. He said that once the Police are able to complete the investigation, action will be taken and he will provide Council with a full report.

Certificate of Appreciation

Councilman Pacheco requested that a Certificate of Appreciation be presented to Ralph León in recognition of his involvement with the youth by bringing the Miami Heat players to the Recreation Center.

Proclamation

Councilman Pacheco asked to present a proclamation to Carol Davis, who has been the Miami Springs Branch Librarian for the past fourteen years and she has now been assigned to another area.

- 12C) March 8th County-wide Elections Councilman Pacheco urged everyone to vote on Tuesday, March 8, 2005.
- Certificate of Appreciation Councilman Caudle reminded the City Manager to reschedule the award presentation to Golf Superintendent Sandy Pell for the next agenda.
- High School Basketball Team Mayor Bain wished the Miami Springs Senior High School Basketball Team good luck in their game tomorrow night.
- 13)** **ADJOURN** Meeting adjourned at 10:05 p.m.